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SUBJECT: GUIDANCE ON SPECIAL TRIBUNAL FOR LEBANON
MANAGEMENT ISSUES

REF: USUN 1185

¶1. (SBU) This cable provides guidance requested in reftel on management issues for the Special Tribunal for Lebanon, including decision-making in the Management Committee, relocation of Lebanese judges, and security-related expenses for judges.

¶2. (SBU) Management Committee Terms of Reference: Department requests USUN continue to press for consensus-based decision making in the Management Committee. The U.S. shares the group's concern that one country could hold up the decisions of the Committee; however, we find that consensus "to every extent possible" is not specific enough to allow the U.S. to agree. This language does not spell out how decisions would be made in the absence of consensus nor does it provide adequate protection to ensure that U.S. tax payers do not fund programs approved over the objection of the U.S. Therefore, the U.S. prefers a consensus-based decision-making model. Additionally, the U.S. prefers that the management committee be located in New York.

¶3. (SBU) Terms and Conditions of Service for Judges and Personnel: The U.S. supports providing the Lebanese judges and all Tribunal staff a benefits package that will help ensure the retention of key personnel already working for UNIIIC but that also maximizes efficiency. Specifically, Department prefers Model III, which we believe to be the most generous and efficient package (note: Under Model III staff are appointed to each duty station -- Beirut and The Hague -- separately, and conditions and service of all staff will follow the framework of the UN 100 series staff rules. End note.)

¶4. (SBU) Relocation of Judges: One of the United States' main priorities in the operationalization of the Special Tribunal for Lebanon is the safety and security of all personnel involved, especially the Lebanese judges. The United States fully recognizes the sacrifice these individuals are making and the real risk for them and their families. The U.S. supports the UN's plans to relocate the Lebanese judges outside of Lebanon and to notify the governments of the international judges so that those governments can make appropriate arrangements for their citizens.

¶5. (SBU) Security-Related Expenses for Judges and Key Tribunal Personnel: The U.S. believes that the safety of the judges and key staff is vital and that judges and key Tribunal staff should receive appropriate security from the Tribunal itself rather than being responsible for their own security needs. We prefer this expense to be a dedicated budget line in the larger Tribunal budget. There are two outstanding security issues:

-- Security for key personnel in The Hague: if the Dutch offer to provide external security includes only security at the Tribunal facilities, then the U.S. would like UN security personnel, in conjunction with relevant authorities in the Netherlands, to develop proposals and cost estimates for securing all judges and key personnel (and their families, as necessary) while outside of the Tribunal facilities in the Hague for the Management Committee to review.

-- Security for the property/families of the Lebanese judges in Lebanon: the U.S. understands the concerns of the Lebanese judges about securing their property in Lebanon and protection of family members who remain in Lebanon; however, this justified concern should not be used as a means to secure additional cash payments for the Lebanese judges. The U.S. cannot support a solution to this if it includes direct financial payments to the judges. The UN should work with the Government of Lebanon to develop an arrangement that would address the judges' security needs without setting precedents for other Tribunals or giving the appearance of impropriety.

16. (SBU) Oversight: The Department considers it crucial that the tribunal is accountable, transparent, and seeks to maximize the efficient and effective use of donor resources. Efforts should concentrate heavily on creating a tribunal with guidelines and structures that support these goals. USUN should inquire whether the Office of Internal Oversight Services or the UN Board of Auditors, as well as the Ethics Office, could play a role. USUN should also seek language in the Terms of Reference that holds all Court personnel accountable to the Management Committee for the effective and efficient use of resources. Note, in the future as members of the Management Committee, USUN should encourage the Tribunal to publish an annual report and develop reporting requirements to focus attention on the work and results of the Tribunal given the critical nature of the Tribunal and its importance to regional stability.

17. (U) Department appreciates post's efforts to ensure that the UN is able to rapidly declare the Tribunal operational and prompt reporting on key developments.
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